



General Assembly

Substitute Bill No. 5711

February Session, 2006

* _____ HB05711PD _____ 031706 _____ *

**AN ACT ENABLING MUNICIPALITIES TO ESTABLISH A
STORMWATER AUTHORITY.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2006*) (a) Any municipality
2 may, by ordinance adopted by its legislative body, designate any
3 existing board or commission or establish a new board or commission
4 as the stormwater authority for such municipality. If a new board or
5 commission is created, the municipality shall, by ordinance, determine
6 the number of members thereof, their compensation, if any, whether
7 such members shall be elected or appointed, the method of their
8 appointment, if appointed, and removal and their terms of office,
9 which shall be so arranged that not more than one-half of such terms
10 shall expire within any one year.

11 (b) The purposes of the authority shall be to (1) develop a
12 stormwater management program, including, but not limited to, a
13 program for construction and postconstruction site runoff control,
14 pollution prevention and the detection and elimination discharges, and
15 (2) provide public education and outreach in the municipality relating
16 to stormwater management activities and to establish procedures for
17 public participation. In accomplishing the purposes of this section the
18 authority may plan, layout, acquire, construct, reconstruct, repair,
19 maintain, supervise and manage stormwater control systems.

20 (c) The authority may adopt regulations to implement the
21 stormwater management program.

22 (d) The authority may enter into contracts with any municipal or
23 regional entity to accomplish the purposes of this section.

24 Sec. 2. (NEW) (*Effective October 1, 2006*) (a) The stormwater authority
25 of a municipality may (1) levy and collect assessments upon the lands
26 and buildings within its jurisdiction, and (2) establish, revise and
27 collect rates, fees, charges, penalties and assessments to provide for
28 municipal stormwater management controls and stormwater
29 management education and research.

30 (b) Whenever any assessment is made as provided in this section,
31 such assessment may be (1) uniform for all users of the municipality,
32 (2) based on use, or (3) apportioned among properties benefited
33 according to regulations adopted by the authority, based on (A) area,
34 street frontage, assessed valuation of the land in the last-completed
35 grand list of the municipality, the present or permitted use of any real
36 property in the area; or (B) methods deemed appropriate by the
37 authority, including, but not limited to, a property's impervious cover
38 determined by aerial photography, site inspections, existing water
39 databases, tax assessor data, zoning classifications, soil type,
40 topography, tree canopy, property use and average trips generated by
41 the property. The authority may make reasonable reductions on a
42 specific assessment upon determination, based on regulations adopted
43 by the authority, that the condition or situation of a property requires
44 such reduction. The provisions of sections 7-139 to 7-145, inclusive, of
45 the general statutes shall be applicable to assessments under this
46 section.

47 (c) If any assessment is determined to be not valid or not
48 enforceable, a new assessment may be made in the manner provided
49 in subsection (a) of this section for the determination of the original
50 assessment. If any assessment is made which is not sufficient to cover
51 the entire cost of the work to be paid for by such assessment, a

52 supplementary assessment may be made by the authority against
53 those properties previously assessed, in an amount sufficient to pay
54 the cost of such work, provided the total of such supplementary
55 assessment and the original assessment shall not exceed the value of
56 the special benefit accruing to the property against which the benefit is
57 assessed.

58 (d) Any assessment of benefits, including any installment thereof,
59 and any charge, fee, fine or other amount that is unpaid for a period of
60 thirty days after the due date shall be delinquent, shall be subject to
61 interest and shall constitute a lien upon the premises served and a
62 charge upon the owner thereof all in the manner provided both by the
63 provisions of the general statutes for delinquent property taxes.

64 Sec. 3. (NEW) (*Effective October 1, 2006*) The authority may elect to
65 defray the cost thereof by issuing bonds or other evidences of debt, or
66 from general taxation, special assessment or any combination thereof.
67 If it elects to defray any part of such cost from special assessment, it
68 may apportion and assess such part upon the lands and buildings in
69 the municipality which, in its judgment, are especially benefited
70 thereby, whether they abut on such stormwater systems or not, and
71 upon the owners of such lands and buildings, subject to the right of
72 appeal as provided in section 7-142 of the general statutes. Such
73 assessment may include a proportionate share of any expenses
74 incidental to the completion of such stormwater system, such as fees
75 and expenses of attorneys, engineers, surveyors, superintendents or
76 inspectors, the cost of any property purchased or acquired for such
77 work, interest on securities, the cost of preparing maps, plans and
78 specifications, and the cost of printing, publishing or serving
79 advertisements or notices incidental thereto. The authority may divide
80 the total territory to be benefited by any stormwater control system
81 into sections and may levy assessments against the property benefited
82 in each section separately. In assessing benefits against the property in
83 any section, the board may add to the cost of the part of the
84 stormwater control system located in such section a proportionate
85 share of the cost of any part of such system located outside the section

86 which is useful for the operation or effectiveness of that part of such
 87 system within the section and of any of the other items of cost or
 88 expense enumerated in this section.

89 Sec. 4. (NEW) (*Effective October 1, 2006*) When any stormwater
 90 improvement or protection project or system is located within two or
 91 more municipalities, such municipalities, acting by their stormwater
 92 authority, may jointly undertake any such action as is authorized by
 93 sections 1 to 3, inclusive, of this act.

94 Sec. 5. (NEW) (*Effective October 1, 2006*) (a) Notwithstanding the
 95 provisions of sections 22a-475 to 22a-483, inclusive, of the 2006
 96 supplement to the general statutes, the Commissioner of
 97 Environmental Protection may provide grants and loans, from any
 98 account in the Clean Water Fund, to municipalities or stormwater
 99 authorities, established pursuant to sections 1 to 4, inclusive, of this
 100 act, for the costs incurred for stormwater management programs.

101 (b) The Commissioner of Environmental Protection shall adopt
 102 regulations, in accordance with the provisions of chapter 54 of the
 103 general statutes to implement this section.

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| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | <i>October 1, 2006</i> | New section |
| Sec. 2 | <i>October 1, 2006</i> | New section |
| Sec. 3 | <i>October 1, 2006</i> | New section |
| Sec. 4 | <i>October 1, 2006</i> | New section |
| Sec. 5 | <i>October 1, 2006</i> | New section |

PD *Joint Favorable Subst.*